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10 Attorneys for Plaintiffs
HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

15 HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Case No. C08 00133 RMW (RS)

**DECLARATION OF MARILEE C. WANG
IN SUPPORT OF MOTION TO FILE
UNDER SEAL THE CONFIDENTIAL
VERSION OF DEFENDANT SENORX,
INC.'S REPLY IN SUPPORT OF ITS
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF INVALIDITY AND
EXHIBIT 3 TO THE SUPPORTING
DECLARATION OF ADAM D. HARBER
PURSUANT TO CIVIL LOCAL RULE 79-
5(D)**

16 || Plaintiffs,

VS.

18 | SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

1 I, Marilee C. Wang, declare as follows:

2 I am an attorney with the law firm of Howrey LLP, counsel for Plaintiffs Hologic, Inc., Cytac
3 Corporation and Hologic L.P. (“Hologic”) in the above-captioned case. I am a member of the Bar of
4 this Court and make this declaration pursuant to Civil Local Rule 79-5(d) in support of Defendant
5 SenoRx, Inc.’s Motion to File Under Seal the Confidential Version of Defendant SenoRx, Inc.’s Reply
6 in Support of Its Motion for Partial Summary Judgment of Invalidity and Exhibit 3 to the supporting
7 Declaration of Adam D. Harber. (Docket No. 163). If called as a witness, I could and would testify
8 competently to the contents of this declaration.

9 1. SenoRx, Inc. (“SenoRx”) has submitted a confidential version of Defendant SenoRx,
10 Inc.’s Reply in Support of Its Motion for Partial Summary Judgment of Invalidity in which several
11 statements describing Hologic’s intellectual property are quoted from deposition testimony. These
12 passages are highlighted in yellow and contain information that is internal, confidential, and sensitive
13 to Hologic and its employees, and the unprotected distribution of this document in its unredacted form
14 to the general public could cause harm to Hologic and its employees. Accordingly, Hologic
15 respectfully requests that the Court authorize the filing under seal of the confidential version of
16 SenoRx’s Reply in Support of Its Motion for Partial Summary Judgment of Invalidity.

17 2. Exhibit 3 to the Declaration of Adam D. Harber in Support of SenoRx’s Reply in
18 Support of Its Motion for Partial Summary Judgment of Invalidity is a true and correct copy of
19 excerpts from the May 29, 2008 deposition transcript of Timothy J. Patrick. The document is marked
20 “Highly Confidential.” The excerpts of Mr. Patrick’s deposition provided in Exhibit 3 relates to
21 Hologic’s intellectual property and is internal, confidential, and sensitive to Hologic and its employees,
22 and the unprotected distribution of this document in its unredacted form to the general public could
23 cause harm to Hologic and its employees. Accordingly, Hologic respectfully requests that the Court
24 authorize the filing under seal of Exhibit 3 to the Declaration of Adam D. Harber in Support of
25 SenoRx’s Reply in Support of Its Motion for Partial Summary Judgment of Invalidity.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 forgoing is true and correct. Executed in East Palo Alto, California, on June 18, 2008.

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4 _____/s/ Marilee C. Wang
5 Marilee C. Wang
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

15 HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

Case No. C08 00133 RMW (RS)

**[PROPOSED] ORDER GRANTING
MOTION TO FILE UNDER SEAL
CONFIDENTIAL VERSION OF
DEFENDANT SENORX, INC.'S REPLY IN
SUPPORT OF ITS MOTION FOR PARTIAL
SUMMARY JUDGMENT OF INVALIDITY
AND EXHIBIT 3 TO THE SUPPORTING
DECLARATION OF ADAM D. HARBER**

16 || Plaintiffs,

VS.

18 | SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

1 The Court, having considered Defendant SenoRx, Inc.'s Motion to File Under Seal the
2 Confidential Version of Defendant SenoRx, Inc.'s Reply in Support of Its Motion for Partial Summary
3 Judgment of Invalidity and Exhibit 3 to the supporting Declaration of Adam D. Harber (Docket No.
4 163) and the Declaration of Marilee C. Wang in support thereof, finds that good cause exists pursuant
5 to Civil L.R. 79-5 for the Motion and hereby orders that the Motion is GRANTED in its entirety.

6 The clerk shall maintain under seal the Confidential Version of Defendant SenoRx, Inc.'s
7 Reply in Support of Its Motion for Partial Summary Judgment of Invalidity and Exhibit 3 to the
8 supporting Declaration of Adam D. Harber.

It is SO ORDERED.

Dated: _____, 2008

HON. RONALD M. WHYTE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF
CALIFORNIA